

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 180

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Sub-Chapter 1

Organizational Rules

24.180.101 BOARD ORGANIZATION (1) The board of plumbers hereby adopts and incorporates the organizational rules of the department of labor and industry as listed in Chapter 1 of this title. (History: 37-69-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff/ 7/1/81; TRANS, from Commerce, 2004 MAR p. 1472.)

Sub-Chapter 2

Procedural Rules

24.180.201 PROCEDURAL RULES (1) The board of plumbers hereby adopts and incorporates the procedural rules of the department of labor and industry as listed in Chapter 2 of this title. (History: 37-69-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/71; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 1472.)

24.180.202 CITIZEN PARTICIPATION (1) The board of plumbers hereby adopts and incorporates by this reference the public participation rules of the department of commerce as listed in Chapter 2 of this title. (History: 37-69-202, MCA; IMP, 2-3-103, MCA; NEW, Eff. 4/4/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 1472.)

24.180.203 BOARD MEETINGS (1) Robert's Rules of Order shall pertain at all meetings of the board in the conduct of its affairs, except when the board is engaged in hearings as hereinafter provided.

(2) Special sessions shall be held at any time or any place within the state as the board may order.

(3) Sessions for receiving, considering and acting upon petitions, applications or other communications, and also for considering and acting upon any business of the board, other than such as has been ordered for hearing, shall be held at its offices in the city of Helena, Montana, or as the board shall order. (History: 37-69-202, MCA; IMP, 37-69-202, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 1472.)

Sub-Chapter 3

Definitions

24.180.301 DEFINITIONS (1) "Employ" means to provide with a job that pays wages or a salary, and includes the responsibility of hiring and firing. The employer shall pay payroll taxes on behalf of the employee.

(2) "Farm or ranch" is defined in 39-3-402, MCA.

(3) "Installation of plumbing and drainage systems" means, but is not limited to, the measuring, laying-out, cutting, fitting, soldering and gluing of pipe and/or the installation of fixtures and equipment for the purpose of connecting potable water or sewage.

(4) "Installation of water conditioner service" means installation of a device that requires connection to the water piping only and the installation of the drain to an acceptable indirect waste receptor as required by the plumbing code as adopted by the state of Montana, and as required by Title 37, chapter 69, MCA. This exemption does not apply to connections to any public water supply or to commercial installations.

(5) "Minor work" means installation of an appliance that requires connection to the water piping only and the installation of the drain to an acceptable indirect waste receptor as required by the plumbing code as adopted by the state of Montana, and as required by Title 37, chapter 69, MCA. The installation must be performed by an agent of, or the dealer from whom the appliance was purchased.

(6) "Manufactured house" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this section except the size requirements. (History: 37-69-202, 37-69-401, MCA; IMP, 37-69-102, 37-69-202, 37-69-401, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 200, Eff. 2/24/78; AMD, 1979 MAR p. 1685, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1995 MAR p. 466, Eff. 3/31/95; AMD, 1995 MAR p. 2798, Eff. 12/22/95; AMD, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 1998 MAR p. 1158, Eff. 5/1/98; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472.)

Subchapter 4

General Provisions

24.180.401 FEE SCHEDULE

(1) Application fee (nonrefundable)	\$ 30
(2) Examination fee	95
(3) Reexamination fee	95
(4) Administration of examination on alternate date	250
(5) Initial license fee prorated by quarter	
(a) Journeyman	75
(b) Master	125
(6) Renewal fee	
(a) Journeyman	75
(b) Master	125
(7) Medical gas endorsement application fee	30
(8) Medical gas endorsement renewal fee	10
(9) Out-of-state licensure fee	95
(10) Temporary practice permit fee	20

(11) Additional standardized fees are specified in ARM 24.101.403. (History: 37-1-134, 37-69-202, 37-69-401, MCA; IMP, 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-69-202, 37-69-401, MCA; NEW, 1984 MAR p. 1181, Eff. 8/31/84; AMD, 1993 MAR p. 141, Eff. 1/29/93; AMD, 1995 MAR p. 466, Eff. 3/31/95; AMD, 1995 MAR p. 2798, Eff. 12/22/95; AMD, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 1998 MAR p. 1158, Eff. 5/1/98; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

Rules 24.180.402 and 24.180.403 reserved

24.180.404 APPLICATIONS (1) Applications for master plumber's license or journeyman plumber's license may be made by anyone professing the qualifications set forth in 37-69-304 and 37-69-305, MCA. The application for examination shall be made to the department, and must be accompanied with the proper fee.

(2) No application for examination will be considered unless it is accompanied by the proper duly-documented supporting evidence and is received 15 days prior to the next scheduled board meeting. Approved applicants may take the next available quarterly exam following the board meeting at which their application is approved.

(3) Those applications received after the deadline will be processed for the following examination.

(4) If an application is withdrawn, no refund of the application fee will be made.

(5) Upon receipt and approval of an application for the journeyman or master plumber's examination, the department will send to the applicant an admittance notice for the examination. The admittance notice must be presented by the candidate at the examination.

(6) An application will be on file one year from the date of receipt. If no action is taken by the applicant within one year, the application fee will be forfeited and reapplication will be required. (History: 37-69-202, MCA; IMP, 37-69-303, MCA; Eff. 12/31/72; AMD, Eff. 12/5/74; AMD, Eff. 6/4/76; AMD, 1980 MAR p. 587, Eff. 2/15/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch 274, L. 1981, Eff. 7/1/81; AMD, 1984 MAR p. 1181, Eff. 8/31/84; AMD, 1995 MAR p. 466, Eff. 3/31/95; AMD, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472.)

Rules 24.180.405 and 24.180.406 reserved

24.180.407 EXAMINATIONS (1) Individuals who have been approved for the examination or are reexamining shall be required to submit an examination fee 15 days prior to the examination date. Applicants whose fees are not received by the deadline shall be required to sit for the next available examination.

(2) Examinations to determine the fitness of an applicant, either master plumber or journeyman plumber, will be held at the pleasure of the board, at not less than three month intervals. The examination will be held in the city of Helena, Montana, unless the board specifically designates a different place for any such examination.

(3) Special examinations may be held in event the examination date and place regularly set by the board conflicts with religious beliefs of the applicant, and in that event, the applicant may petition the board by letter requesting such special examination. If the board allows such a special examination, it shall set a time and place thereof in its discretion.

(4) All master applicants will be required to successfully complete a written examination with a score of 70 percent or better before the appropriate license will be issued. All journeyman applicants will be required to successfully complete a written and practical examination with a score of 70 percent or better before the appropriate license will be issued.

(5) Examination papers may be reviewed in the board office for a period of 60 days immediately following the examination date only. Note taking will be allowed during the time of review, but the notes must be left in the board office. Questions on the review must be submitted in writing for response by the board.

(6) Any applicant for the journeyman's or master's license who shall sit for and fail the examination two consecutive times will not be allowed to retake the examination for a period of one year commencing with the date of the last examination that he failed. After one year, the applicant shall submit a notarized statement from an individual acceptable to the board, which attests to 20 hours of additional training acceptable to the board before the applicant will be approved to again take the examination.

(7) When an applicant fails to take the first examination for which he was scheduled, he may have his examination fee apply towards the next examination. However, if the applicant fails to take the next examination, his fee shall be forfeited and application for any subsequent examination will require another examination fee. (History: 37-69-202, MCA; IMP, 37-69-304, 37-69-305, 37-69-306, 37-69-307, MCA; Eff. 12/31/72; AMD, Eff. 12/5/74; AMD, Eff. 9/4/75; AMD, Eff. 6/4/76; AMD, 1978 MAR p. 1187, Eff. 8/11/78; AMD, 1979 MAR p. 41, Eff. 1/26/79; AMD, 1979 MAR p. 738, Eff. 7/13/79; AMD, 1979 MAR p. 1685, Eff. 12/28/79; AMD, 1981 MAR p. 957, Eff. 8/28/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 290, Eff. 2/12/82; AMD, 1982 MAR p. 1740, Eff. 10/1/82; AMD, 1984 MAR p. 1181, Eff. 8/31/84; AMD, 1995 MAR p. 466, Eff. 3/31/95; AMD, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472.)

Rules 24.180.408 and 24.180.409 reserved

24.180.410 DUPLICATE AND LOST LICENSES (1) Duplicate licenses shall be provided by the board to persons requesting the same in writing, upon payment of the replacement fee as specified in ARM 24.101.403. (History: 37-69-202, MCA; IMP, 37-1-134, 37-1-141, MCA; Eff. 12/31/72; AMD, 1979 MAR p. 1685, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1984 MAR p. 1181, Eff. 8/31/84; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

Rules 24.180.411 and 24.180.412 reserved

24.180.413 GENERAL RESPONSIBILITIES (1) Licensed journeyman and master plumbers shall have their licenses on their person at all times while engaged at the trade of plumbing.

(2) Licensed journeyman and master plumbers shall be required to show such license to appropriate authorities when requested to do so. (History: 37-69-202, MCA; IMP, 37-69-202, MCA; NEW, 1983 MAR p. 70, Eff. 1/28/83; TRANS, from Commerce, 2004 MAR p. 1472.)

Sub-Chapter 5

Licensing And Scope Of Practice

24.180.501 JOURNEYMAN PLUMBERS RESPONSIBILITIES (1) The fact that the master plumber assumes responsibility for assuring that all work performed by his employees shall be in compliance with the state plumbing code shall not relieve the journeyman plumber from his own individual responsibility for the proper performance of his work as a journeyman plumber and from his individual responsibility to his license and to the public for doing plumbing work in conformance with the requirements of the state plumbing code. (History: 37-69-202, MCA; IMP, 37-69-323, MCA; NEW, Eff. 6/5/74; AMD, 1979 MAR p. 1685, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 1472.)

Rules 24.180.502 and 24.180.503 reserved

24.180.504 QUALIFICATIONS - JOURNEYMAN (1) The board will accept the following documentation of experience for journeyman plumbers:

- (a) a notarized statement or letter from a licensed master plumber(s) or a licensed plumbing contractor(s) certifying the time and dates of employment and the type of plumbing work that was performed during the applicant's employment. Verification statements or letters must verify five years of actual experience in the field of plumbing, at a minimum of 1500 hours per year;
- (b) copy of an apprenticeship completion certificate or certified statement issued by the United States department of labor, bureau of apprenticeship and training, or a recognized state apprenticeship agency/council. Experience granted for a registered apprenticeship is contingent upon successfully completing the requirement of the apprenticeship program;

(c) a transcript providing attainment of a first degree or advanced degree in an approved engineering curriculum or a baccalaureate degree in an approved engineering technology curriculum will be accepted as equivalent to two years of the five-year experience requirement;

(d) the board may, in its sole discretion, give appropriate credit for the following:

(i) graduation from an engineering technology curriculum not approved by the board;

(ii) completion of portions of such curriculum;

(iii) completion of a course of study in a technical institute or other recognized educational program, none of the above to exceed two years of the five-year experience requirement;

(e) upon documentation of practice in the fields of steam fitting, hydronics and industrial piping, the experience will be accepted as equivalent to a maximum of two years of the five-year experience requirement.

(2) Other documentation such as W-2 forms or other time/pay records may only be used to supplement experience documentation when none of the other forms listed above are available due to unusual or unforeseen circumstances, which circumstances must be explained fully and the records approved for use by the board. (History: 37-69-202, MCA; IMP, 37-69-304, MCA; NEW, 1995 MAR p. 466, Eff. 3/31/95; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472.)

24.180.505 JOURNEYMAN MUST WORK IN THE EMPLOY OF MASTER

(1) Unless otherwise permitted by the board, a licensed journeyman plumber may perform work only in the employ of and under the supervision of a full-time licensed master plumber.

(2) The board recognizes that in certain instances to require journeyman to be in the employ of a master, may work a hardship and in certain instances the reason for requiring a master may not exist. These instances may include journeymen who are employed by a government entity and a majority of whose work which may be considered plumbing, is not involved in the initial installation, but rather only in making and doing certain minor kinds of maintenance to previously installed and existing plumbing.

(3) Therefore, it is the intent of this rule to require all licensed journeyman plumbers to work only in the employ of a licensed master plumber, unless such journeymen should feel that they are entitled to an exemption from this requirement. If this be the case, such journeyman must file with the board a written application for such exemption. That application must state by whom the journeyman is employed and it must state in detail the kind and amount of that work he is doing as such employee and especially those areas which may be involved in doing plumbing work.

(4) The board, upon review of the application, shall determine whether the type of employment and work thereunder shall require employment by a master and may thereafter in its discretion grant or deny the application. (History: 37-69-202, MCA; IMP, 37-69-304, MCA; NEW, Eff. 6/5/74; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1995 MAR p. 466, Eff. 3/31/95; TRANS, from Commerce, 2004 MAR p. 1472.)

24.180.506 QUALIFICATIONS - MASTER (1) The board will accept the following documentation of experience for master plumbers:

(a) A notarized statement or letter from a licensed master plumber(s) or a licensed plumbing contractor(s) certifying time and dates of employment of applicant as a journeyman plumber and the type of plumbing work performed, which must include evidence that three of the required four years were served in the supervisory capacity.

(b) Practice in the fields of steam fitting, hydronics and industrial piping will not be considered as acceptable experience in the field of plumbing for the master license experience requirement.

(2) Other documentation such as W-2 forms or other time/pay records may only be used to supplement experience documentation when none of the other forms listed above are available due to unusual or unforeseen circumstances, which circumstances must be explained fully and the records approved for use by the board. (History: 37-69-202, MCA; IMP, 37-69-305, MCA; NEW, 1995 MAR p. 466, Eff. 3/31/95; TRANS, from Commerce, 2004 MAR p. 1472.)

24.180.507 MASTER PLUMBERS - REGISTRATION OF BUSINESS NAME

(1) At the time of application for licensure as a master plumber or at the time of renewal of the master's license, the applicant or licensee shall designate on the application if he intends to engage in the business of a master plumber as master plumber of record under his own name, or under an assumed name doing business as a sole proprietor.

(2) If such master intends to affiliate with a partner, firm or corporation as master plumber of record, he shall so designate the name of the firm, partnership or corporation.

(3) If at any subsequent time he should change his status as designated above, he shall immediately notify the board in writing by certified mail to that effect at least 10 days prior to the change. Until receiving such notice, the board will consider him to be engaged in business in his prior designated status.

(4) A master license shall be affiliated with only one plumbing business as master plumber of record, to be listed on the annual renewal form, and may not affiliate with a second plumbing business as master plumber of record, without terminating the first through written notice to the board office.

(5) A master plumber shall be responsible for supervising all plumbing work performed by the business with which the master is affiliated and for ensuring all plumbing work is performed by licensed plumber employees where a license is required.

(6) The licensed master plumber in any joint venture or other business entity-type arrangements shall be responsible for all plumbing work performed and for supervision of all plumbing employees.

(7) Prior to any individual or entity bidding and contracting for work in the field of plumbing, the individual must first obtain a master plumber's license in the state of Montana.

(8) A master plumber license authorizes the individual's firm to obtain plumbing permits for doing plumbing work under the individual's license. A journeyman plumber's license does not authorize the individual to obtain a plumbing permit or to engage in or advertise as a plumbing business. (History: 37-69-202, MCA; IMP, 37-69-305, 37-69-306, 37-69-323, MCA; NEW, Eff. 6/5/74; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1995 MAR p. 466, Eff. 3/31/95; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472.)

Subchapter 6

Licensing and Board Specific Rules

24.180.601 INVESTIGATION (1) The board reserves the right to conduct any independent investigation either before or after hearing, to the end that it may be fully informed.

(2) The character, experience and fitness of the applicant shall also be taken into consideration. The board reserves the right to investigate any applicant, or application filed, and approve or disapprove the same. Upon acceptance or rejection of any application, the board will immediately notify applicant at the address given in his application. (History: 37-69-202, MCA; IMP, 37-1-308, 37-69-304, 37-69-305, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1996 MAR p. 2426, Eff. 9/20/96; TRANS, from Commerce, 2004 MAR p. 1472.)

Rules 24.180.602 and 24.180.603 reserved

24.180.604 OUT-OF-STATE APPLICANTS - RECIPROCITY (1) Out-of-state applicants for a master or journeyman plumber's license may provide proof of prior licensing in another state by submitting a copy or copies of the license(s) held along with a certified letter of verification from the state or local licensing agency stating date of licensure and requirements for licensure. If the qualifications from the state of original licensure are not equivalent to Montana's, the applicant will receive credit for the years required by the original state, but will need to provide the additional year's documentation as required by (2).

(2) Applicants from states with no journeyman or master licensing shall provide a notarized statement or letter from a qualified individual(s) acceptable to the board, with direct knowledge of the applicant's qualitative and quantitative plumbing experience equivalent to five years for the journeyman license and nine years for the master license.

(3) The board may enter into a written reciprocal agreement for a journeyman license with the license authority of another state or jurisdiction if the following conditions are met and are reviewed annually to ensure ongoing equivalent standards:

(a) the state requires five years of actual and documented experience in the field of plumbing;

(b) the state's examination is based on the Uniform Plumbing Code;

(c) the state requires both a written and practical portion on their examination;

(d) the state requires a minimum passing score of 70 percent on their examination;

(e) a current copy of that state's requirements must be kept on file at the board office; and

(f) the reciprocal agreement must be approved by the board in open session and executed by signature of the presiding chairperson. (History: 37-69-202, MCA; IMP, 37-1-304, MCA; NEW, 1995 MAR p. 466, Eff. 3/31/95; AMD, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472.)

Rules 24.180.605 and 24.180.606 reserved

24.180.607 TEMPORARY PRACTICE PERMITS (1) An applicant for a master or journeyman plumbing license may act as a journeyman plumber after making application to the board for licensure, paying appropriate fees, being approved to write the examination and being issued a temporary permit.

(2) A temporary permit shall run out on the last day of the month of the next scheduled examination or upon receipt of the results, whichever occurs first. If the applicant fails or does not write the next scheduled examination, a temporary permit may be renewed at the discretion of the board, on a case-by-case basis upon receipt of a letter requesting renewal of a temporary practice permit and stating their intention to take the next scheduled examination. The letter must be accompanied by the examination fee. If the applicant does not take the next scheduled examination, the temporary practice permit will run out and the examination fee will be forfeited.

(3) A second temporary permit will be issued only to an applicant who:

(a) has failed the examination with a score of 65 through 69 percent;

(b) is scheduled to take the next scheduled examination; and

(c) upon receipt of:

(i) a letter from the applicant requesting a second temporary permit and requesting to be scheduled for the next scheduled examination;

(ii) a letter from the employer stating that the applicant is employed and under the direct supervision of a licensed master plumber; and

(iii) payment of the appropriate fees.

(4) If the applicant does not appear for, cancels, or fails the next scheduled examination, the second temporary permit runs out on the date the board office learns of that occurrence.

(5) An applicant for the master plumbing license may not work as a master until such time as the applicant successfully passes the master's examination and a master plumber's license has been issued to the applicant. (History: 37-1-319, MCA; IMP, 37-1-305, MCA; NEW, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2005 MAR p. 2460, Eff. 12/9/05; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

Subchapter 7

Medical Gas Endorsement

24.180.701 MEDICAL GAS ENDORSEMENT REQUIRED - DEFINITIONS

(1) Any person performing the installation of a medical gas system(s) in the state of Montana shall first obtain an endorsement from the board.

(2) The installation of a medical gas system(s) includes, but is not limited to, the layout, cutting, joint preparation, fitting, purging and brazing, or any other joint making or assembly process required to install a medical gas system(s).

(3) The following definitions apply to this subchapter:

(a) "ASSE" means the American Society of Sanitary Engineering.

(b) "Certification" means an accreditation from an approved training program, acceptable to the board, which issues documentation such as diplomas, cards or certificates which provide proof the applicant has successfully completed training in the installation of medical gas systems, pursuant to the requirements imposed by NFPA 99C and Section IX of the ASME Welding and Brazing Code.

(c) "Endorsement" means the approval issued by the board, signified by an endorsement card or other credential, which authorizes a person to install medical gas systems within the state of Montana.

(d) "NFPA" means the National Fire Protection Association. (History: 37-69-202, 37-69-401, MCA; IMP, 37-69-402, MCA; NEW, 1995 MAR p. 2798, Eff. 12/22/95; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472.)

Rules 24.180.702 and 24.180.703 reserved

24.180.704 APPLICATION FOR ENDORSEMENT (1) Any person required to obtain a medical gas endorsement shall make application to the board on the form prescribed by the board.

(2) Application for endorsement shall include:

(a) a completed and signed application;

(b) documentation that provides proof the applicant has successfully completed an approved training program which meets the criteria of ASSE series 6000 professional qualification standards and a third party testing source acceptable to the board, and has obtained certification in the installation of medical gas systems, based on NFPA 99C and Section IX of the ASME Welding and Brazing Codes;

(c) a recent photograph of the applicant; and

(d) the nonrefundable application fee.

(3) The board will review applications for endorsement on a case-by-case basis and issue endorsements to those applicants meeting the requirements imposed by 37-69-401, MCA.

(4) The board may, at its discretion, require additional documentation from an applicant to verify compliance with the requirements imposed by 37-69-401, MCA. (History: 37-69-202, 37-69-401, MCA; IMP, 37-69-401, MCA; NEW, 1995 MAR p. 2798, Eff. 12/22/95; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472.)

Rules 24.180.705 and 24.180.706 reserved

24.180.707 RENEWAL OF ENDORSEMENT (1) All medical gas endorsements must be renewed on or before the date set by ARM 24.101.413. Each endorsement holder must submit a renewal form, proof of a current certification, and the required renewal fee. (History: 37-1-141, 37-69-202, 37-69-401, MCA; IMP, 37-1-141, 37-69-401, MCA; NEW, 1995 MAR p. 2798, Eff. 12/22/95; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

Rules 24.180.708 and 24.180.709 reserved

24.180.710 ENDORSEMENT VERIFICATION (1) Any person performing work on a medical gas system(s) installation shall have his or her endorsement credentials on their person at all times.

(2) Any person performing work on a medical gas system(s) installation shall present his or her endorsement credentials for examination when requested to do so by any party authorized to examine the credentials. (History: 37-69-202, 37-69-401, MCA; IMP, 37-69-401, MCA; NEW, 1995 MAR p. 2798, Eff. 12/22/95; TRANS, from Commerce, 2004 MAR p. 1472.)

Subchapters 8 through 20 reserved

Subchapter 21

Renewals

24.180.2101 RENEWALS (1) Renewal notices will be sent as specified in ARM 24.101.414.

(2) All master and journeyman licenses must be renewed on or before the date set in ARM 24.101.413.

(3) The provisions of ARM 24.101.408 apply. (History: 37-1-101, 37-1-141, 37-69-202, MCA; IMP, 37-1-141, MCA; Eff. 12/31/72; AMD, Eff. 1/3/76; AMD, 1979 MAR p. 41, Eff. 1/26/79; AMD, 1979 MAR p. 738, Eff. 7/13/79; AMD, 1979 MAR p. 1685, Eff. 12/28/79; AMD, 1981 MAR p. 957, Eff. 8/28/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 592, Eff. 3/26/82; AMD, 1983 MAR p. 1717, Eff. 1/1/84; AMD, 1984 MAR p. 1181, Eff. 8/31/84; AMD, 1995 MAR p. 466, Eff. 3/31/95; AMD, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

24.180.2102 CONTINUING EDUCATION REQUIREMENTS (1) Beginning September 1, 2006, each journeyman or master plumber shall obtain at least four hours of board approved continuing education annually in order to renew the person's license. The license renewal application must be signed by the licensee and certify that the licensee has completed the required amount of continuing education.

(a) New licensees are exempt from the requirements during their first renewal cycle. Those licensees changing from journeyman licenses to master plumber licenses are not exempt from completing at least four hours of continuing education.

(2) In general, courses should be designed to advance the knowledge and skills of licensees. A licensee may receive credit only for continuing education courses that have received prior approval of the curriculum by the board or the department and to which a course approval number has been assigned by the department. Course approval expires when changes in plumbing code, statutes or rules necessitate.

(a) Course curriculum must be based on:

- (i) the adopted state plumbing code;
- (ii) Title 37, chapter 69, MCA, pertaining to licensure of plumbers;
- (iii) Title 50, chapter 60, MCA, pertaining to building codes and permit requirements;
- (iv) ARM Title 24, chapter 180, pertaining to the board's rules;
- (v) ARM 24.301.301 through 24.301.351, pertaining to building code plumbing matters; or
- (vi) other subjects related to the plumbing industry, as approved by the board.

(b) Course sponsors are responsible for ensuring that instructors are credentialed as one or more of the following:

- (i) a Montana licensed journeyman or master plumber, with additional training in related subject areas;
- (ii) a certified teacher with board approved plumbing credentials;
- (iii) a certified journeyman and apprentice plumbing instructor;
- (iv) a plumbing inspector possessing a state journeyman or master plumber's license; or
- (v) continuing education instructor from another state or jurisdiction who is approved by the board.

(c) Course sponsors shall provide the department with a minimum of 15 working days prior notice of the time and place of every course or seminar.

(d) Course sponsors shall provide each person completing a continuing education course with a completion certificate. The completion certificate must contain all of the following information:

- (i) the date of course;
- (ii) the location of course;
- (iii) the name of instructor(s);
- (iv) the name of licensee completing the course;
- (v) the state assigned course approval number; and
- (vi) the number of completed hours of instruction.

(3) For quality assurance or evaluation purposes, representatives of the department or the board may audit the course for content without charge. Such a person shall not receive or be issued a certificate of completion for that course.

(4) The department may conduct a random audit of up to 50 percent of all active licensees following the licensee renewal process.

(a) All licensees shall retain course completion certificates for a minimum of three years, for auditing purposes.

(b) Audited licensees are required to furnish to the department certificates of completion which demonstrate attainment of the four hour continuing education requirement.

(c) Failure by the licensee to provide certificates of completion when audited shall constitute grounds for implementation of disciplinary proceedings against the licensee.

(5) All requests for exemption from the continuing education requirements will be reviewed by the board and determinations will be done on a case-by-case basis.

(6) If a licensee does not timely file a renewal application, and thereafter files a late renewal application, the late renewal application must contain documentary proof that the licensee has obtained the required amount of continuing education. (History: 37-69-202, MCA; IMP, 37-1-306, MCA; NEW, 2006 MAR p. 764, Eff. 12/9/05.)

Subchapters 22 and 23 reserved

Sub-Chapter 24

Complaint Procedures

24.180.2401 COMPLAINT PROCEDURE (1) A person, government or private entity may submit a written complaint to the board charging a licensee or license applicant with a violation of board statute or rules, and specifying the grounds for the complaint.

(2) Complaints must be in writing, and shall be filed on the proper complaint form prescribed by the board.

(3) Upon receipt of the written complaint form alleging a violation of board statute or rules against a licensee, the board office shall log in the complaint and assign it a complaint number. The complaint shall then be sent to the licensee complained about for a written response. Upon receipt of the licensee's written response, both complaint and response shall be considered by the screening panel of the board for appropriate action, including dismissal, investigation or a finding of reasonable cause of violation of a statute or rule. The board office shall notify both complainant and licensee of the determination made by the screening panel.

(4) If a reasonable cause violation determination is made by the screening panel, the Montana Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken.

(5) The screening panel shall review anonymous complaints to determine whether appropriate investigative or disciplinary action may be pursued, or whether the matter may be dismissed for lack of sufficient information.

(6) Upon receipt of the written complaint form alleging unlicensed practice, the board office shall log in the complaint and assign it a complaint number. The board counsel, under direction from the board chairman, will assign the complaint for immediate investigation. Upon receipt of the investigative report, both complaint and report shall be considered by the board for appropriate action, including dismissal, letter of warning, cease and desist order or injunctive action. The board office shall notify all parties involved of the determination made by the board.

(7) If, during the course of inspecting for license compliance, the compliance specialist of the department asks for a license from a person at a job site where the person is performing plumbing work and that person is unable to show proof of licensure, a citation will be issued as outlined in 37-69-310, MCA. (History: 37-69-202, MCA; IMP, 37-1-308, 37-1-309, MCA; NEW, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472.)

Rules 24.180.2402 and 24.180.2403 reserved

24.180.2404 SCREENING PANEL (1) The board screening panel shall consist of at least three board members, one of whom shall be a licensed plumber member of the board, and the other two of whom shall be board members selected by the chairman. The screening panel shall be appointed by the board chairman, and the chairman shall not serve as a screening panel member during the chairman's term in office. The chairman may reappoint screening panel members, or replace screening panel members as necessary at the chairman's discretion. (History: 37-69-202, MCA; IMP, 37-1-307, MCA; NEW, 1996 MAR p. 2426, Eff. 9/20/96; TRANS, from Commerce, 2004 MAR p. 1472.)